

**REMARKS**

Claims 7-12, 17-19 and 21-26 are all the claims pending in the application

The present Amendment is in response to the Advisory Action dated April 28, 2009, in which the Examiner refused to enter the Amendment Under 37 C.F.R. § 1.116 filed on April 7, 2009. In the Advisory Action, the Examiner sets forth a number of reasons for refusing to enter the Amendment of April 7, 2009.

Applicants' undersigned attorney called the Examiner, Ms. Saucier, and discussed with her on May 1, 2009 each of the reasons set forth in the Advisory Action. The following remarks incorporate the substance of the telephone conference and constitute a Statement of Substance of Interview.

The Advisory Action states that applicants did not delete "*Yarrowia*" from claim 11. Applicants' undersigned attorney stated during the telephone conference that applicants would amend claim 11 to delete "*Yarrowia lipolytica*." The present Amendment so amends claim 11.

The Advisory Action states that claim 24 depends from canceled claim 20. Applicants' undersigned attorney stated that applicants would amend claim 24 to change its dependency from canceled claim 20 to claim 17. The present Amendment so amends claim 24.

The Advisory Action states that claims 10, 23 and 26 do not limit the independent claim because their genus does not appear in the independent claim. Claims 10, 23 and 26 recite that the enzymatic source is a cultured product of *Escherichia coli* HB101 (pNTDRG1)(FERM BP-08458), or *Escherichia coli* HB101 (pTSBG1)(FERM BP-7119); or a processed product thereof. Applicants note that claim 12 also recites these enzymatic sources.

During the telephone conference, applicants' undersigned attorney pointed out that the enzymatic activity of FERM BP-08458 comes from *Devosia riboflavina*, and that the enzymatic activity of FERM BP-7119 comes from *Micrococcus luteus*, as disclosed at page 23, lines 19-23, and page 24, lines 8-12, of the specification. These specific microorganisms or their genus are specifically recited in the claims from which claims 10, 23 and 26 directly depend.

During the telephone conference, the Examiner indicated that she had overlooked the disclosures at pages 23 and 24, and stated that upon the filing of a Supplemental Response indicating that the enzymatic activity of FERM BP 08458 and FERM BP 7119 comes from *Devosia riboflavina* and *Micrococcus luteus*, respectively, she would withdraw the objection to claims 10, 23 and 26.

During the telephone conference, the Examiner stated that her reason for stating that claim 11 does not limit the independent claim was that claim 11 recited "*Yarrowia*." In view of the above amendment to claim 11 to delete "*Yarrowia lipolytica*," applicants submit that claim 11 does limit the subject matter of the claims from which claim 11 depends.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.116 Attorney Docket No.: Q88078  
Application No.: 10/536,768

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

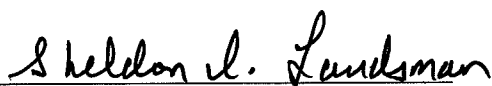
SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

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Sheldon I. Landsman  
Registration No. 25,430